

IN THE

## COMMONWEALTH COURT OF PENNSYLVANIA

## MIDDLE DISTRICT

LEAGUE OF WOMEN VOTERS OF  
PENNSYLVANIA and LORRAINE HAW,  
Petitioners,

V.

KATHY BOOCHVAR, ACTING  
SECRETARY OF THE  
COMMONWEALTH,  
Respondent

• • • • •

No. 578 MD 2019

PETITION TO INTERVENE

AND NOW, comes STEPHEN A. ZAPPALA, JR., District Attorney of Allegheny County, and KEVIN F. McCARTHY, Assistant District Attorney, and respectfully asks this Honorable Court to grant the instant Petition to Intervene for the following reasons:

1. The instant action was filed by Petitioners in an effort to strike a proposed Constitutional Amendment from the General Election Ballot, to wit, House Bill 276, 2019-2020 Session, commonly referred to as “Marsy’s Law”.
2. This proposed Constitutional Amendment was passed by the General Assembly with overwhelming bipartisan support.
3. The purpose of this proposed Amendment is to protect the rights and security of victims of violent crimes and their families, assuring that they receive notice of

hearings and other proceedings, physical and emotional protection from the accused, notice to the victim in cases of release or escape, proceedings free from unnecessary delay, the ability to confer with the prosecutor in the case, and full and timely restitution from the offender.

4. Your petitioner, Stephen A. Zappala, Jr., is the duly elected District Attorney of Allegheny County, and is the chief law enforcement officer for the County, 71 P.S. §732-206(a), statutorily authorized to conduct all criminal and other prosecutions in the name of the Commonwealth within his jurisdiction. 16 P.S. § 1402. See *Commonwealth ex rel. Spector v. Bauer*, 261 A.2d 573, 575 (Pa. 1970)(the district attorneys in this Commonwealth have the power -- and the duty -- to represent the Commonwealth's interests in criminal matters). "It is in the capacity as the Commonwealth's attorney that the district attorney fulfills the obligation to investigate and prosecute crime." *Commonwealth v. Jury*, 636 A.2d 164, 171 (Pa.Super. 1993), appeal denied, 644 A.2d 733 (Pa. 1994)(emphasis added).

5. As the Chief Law Enforcement Officer of Allegheny County, your petitioner has the duty and obligation to protect the victims of crime. This proposed Constitutional Amendment is intended to provide your petitioner and other prosecutors across the Commonwealth with another tool to aid them in this endeavor. Accordingly, your petitioner will be directly impacted by the outcome of this action, and therefore, ought to have an opportunity to be heard by the Court.

WHEREFORE, for the foregoing reasons, your petitioner respectfully requests this Court grant the instant petition and allow the District Attorney of Allegheny County to intervene in the instant case.

Respectfully submitted,

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY

By /s/ Kevin F. McCarthy  
KEVIN F. McCARTHY  
ASSISTANT DISTRICT ATTORNEY  
PA. I.D. NO. 47254

Attorneys for Appellant

PROOF OF SERVICE

I hereby certify that I am this day serving one (1) copy of the Petition to intervene upon counsel for petitioner and respondent indicated below which service satisfies the requirements of Pa.R.A.P 121:

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Dated: October 11, 2019

/s/ Kevin F. McCarthy  
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